

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**Sitcha Richard,
(A95 461 653)**

V.

Case No. 04-CV-300090-MAP

Frederick MacDonald, High Sheriff, Franklin County House of Corrections; Tom Ridge, Secretary, Department of Homeland Security; Michael Garcia, Assistant Secretary (Designee), Bureau of Immigration and Customs Enforcement (ICE); Eduardo Aguirre, Acting Director, Bureau of Citizenship and Immigration Services (“CIS”); Bruce Chadbourne, Interim Director, ICE, Boston, Respondents

SUPPLEMENTAL AFFIDAVIT

- 1 I, Sitcha Richard am the above named Petitioner and I did not deliberately fail to
file an appeal of the Board of Immigration Appeals decision with the U.S. Circuit
Court of Appeals.
2. At the end of February 2004, I received an envelope containing a Board of
Immigration (BIA) Decision from my prior attorney, Anthony Collins of Hartford
Connecticut. Since our attorney client relationship had broken down and since I
terminated his legal representation on February 10, 2004 (See Exhibit 1 contained
in original affidavit, letter to the BIA) I did not understand why I was still

receiving mail from Attorney Collins. In addition, I instructed the BIA to “cancel all the acts my lawyer Anthony A. Collins sent to your office about my case” (see Exhibit #1). Since I was no longer represented by Attorney Collins and I instructed the BIA to disregard his acts (i.e. BIA Appeal filed by Attorney Collins) I did not believe the BIA decision sent by Attorney Collins was the correct BIA decision that applied to my case. Therefore, I sent it back to Attorney Collins along with a letter indicating that I no longer “recognize anything coming from you” (see Exhibit 3, letter from Sitha Richard dated March 3, 2004). Attorney Collins did send a letter with a copy of a BIA decision to my church representative saying my case was dismissed and I have thirty days to appeal. Lorena Dutelle mentioned she had a conversation with Attorney Collins’ office who stated I had thirty days to appeal the BIA decision. However, I did not believe this applied to my case since I terminated Attorney Collins and informed the BIA not to recognize his acts.

3. I have never read the BIA decision I sent back to Attorney Collins since I believe this decision had not pertain to me. Due to this confusion about the authenticity of the BIA decision, my friend Lorena Dutelle and I both wrote to the BIA asking them if the BIA decision was authentic. (See Exhibit #4, letter from Sitha Richard dated March 15, 2004 to BIA)(See Exhibit #5 letter from Lorena Dutelle dated March 18, 2004). Both letters were returned by the BIA without comment about whether the BIA decision pertained to my case. Since I had previously instructed the BIA to disregard the BIA Appeal filed by Attorney Collins and he was no longer my attorney I believed there was an error and my decision could not have been processed this quickly since Attorney Collins filed the BIA Appeal a short time prior. My understanding is that it generally takes a few months to receive a BIA decision I truly believed that this was not my decision.
4. In addition, I was falsely charged under section 236 and section 237 of the INA. I also believed my rights were being violated and anticipated filing a “Habeas Corpus” petition for my unlawful detention. (See Exhibit 6, decision of Immigration Judge dated September 18, 2003) (See Exhibit 7, decision of Immigration Judge dated October 1, 2003)

5. For all of these reasons in addition to my November 10, 2004 Affidavit I was unable to file an appeal with the Circuit Court.

Signed under the pains and penalties of perjury this 18th day of November 2004.

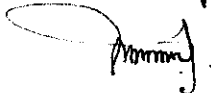
Sitcha Richard *Sitcha, SA.*


EXHIBIT # 3

Closed

03-03-04 AJN

DEAR EX ATTORNEY

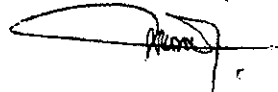
IT'S AMAZING TO SEE THAT YOU ARE VERY DILIGENT THIS TIME. I DON'T KNOW WHY YOU WANT TO FORCE TO CONTINUE BEING MY LAWYER. I DON'T RECOGNIZE ANYTHING COMING FROM YOU. ON FEBRUARY 10th 2004, I SENT TO THE BIA CLERK A LETTER TO CANCEL ALL ACTS YOU DID ON MY BEHALF ABOUT MY CASE. THAT'S MY RIGHT AND THE CLERK HAVE TO RESPECT IT IF NOT HE WILL BE IN VIOLATION OF THE DUE PROCESS OF MY DEFENSE. MY ASYLUM IS GRANTED AND I DON'T NEED NO APPEAL. WHEN ASYLUM IS GRANTED ONLY THE U.S. ATTORNEY GENERAL CAN REMOVE IT IF HE NOTICES THAT YOU'RE A DANGER FOR THE COMMUNITIES OR FOR NATIONAL SECURITY. IT'S WHY YOU CAN GIVE ME A COPY FOR A DECISION WHICH REMOVES MY ASYLUM.

I STILL EVEN THOUGH IN PRISON YOU SENT ME, RECEIVE DOCUMENTS I APPLY FOR. THE APPEAL FOR THE SO CALLED DECISION WHICH ~~REVERSE~~ DENIED MY ASYLUM WAS DUE BY OCTOBER 20th 2003. YOU HAVE 21 DAYS TO ASK FOR EXTENSION IF YOU ARE LATE AND DID YOUR FAKE APPEAL ON FEBRUARY 2004 AFTER 4 MONTHS. THAT'S LAW? YOU WANT TO CONTINUE WITH FAKE BUT GOD WILL DEFEAT YOU. I HAVE NEVER SEEN FOR MY KNOWLEDGE OF LAW A DECISION COMING FROM A COURT SIGNED WITHOUT NAME AND JUST SAYING "FOR THE COURT OR FOR THE BOARD. I SENT YOU BACK ALL YOUR PAPER, I KNOW MY ASYLUM STILL BE GRANTED AND STOP BOTHER ME WITH ALL YOUR FAKE, BECAUSE YOU ARE NOT MY LAWYER ANYMORE. YOU HAVE TO UNDERSTAND THAT.

M.B. AS A LAWYER YOU THINK THAT THE SAME JUDGE WHO GAVE A DECISION WITH "APPEAL WAIVED" CAN REVERSE HIS DECISION? WHERE IS THE DUE PROCESS?

THANK YOU

GOD BLESS YOU.



N.B. DON'T SENT ME ANYTHING ABOUT MY CASE BECAUSE YOU'RE
NOT MY LAWYER AND IF YOU DO IT WILL ^{BE} AN HARASSMENT.
YOU SAID TO LORENA THAT YOU ARE NOT MY LAWYER AND
YOU CAN'T CONTINUE WITH MY CASE WHY YOU KNOW THAT AND
YOU RECEIVED MY DECISION TO SENT ME. I KNOW THAT YOU
WANT ME TO STAY IN JAIL BUT GOD WILL SOLVE MY PROBLEM.
I DON'T NEED NO LAWYER BECAUSE MY ASYLUM STILL BE
GRANTED AND GOD WILL MAKE YOU FALL INSIDE YOUR
TRAP AS HE DID BEFORE.

EXHIBIT # 4

TO: THE BOARD OF IMMIGRATION APPEALS
CLERK OFFICE P.O. BOX 8530 FALLS CHURCH
V.A. 22041

HIS HONORS OF THE BOARD.

I'M DOING MORE THAN 6 MONTHS UNDER HIS CUSTODY FOR NO REASONS AND I
RESPECTFULLY PLEASE THE BOARD FOR MY LIBERATION. TO UNDERSTAND
MY CASE, PLEASE READ MY 2 MOTIONS I WROTE AND SEND TO HIS COURT WITH-
THOUT ANY ANSWERS. MY CHURCH MEMBERS HAVE SENT A PETITION FOR
MY LIBERATION BUT I'M STILL BE DETAINED WITHOUT ANY CAUSE.

IN ANOTHER HAND HIS HONORS MY EX LAWYER HAS SENT ON
FEBRUARY 03-04 A BRIEF AT THE BOARD TOTALLY OPPOSITE OF MY CASE
AND FOR HIS MISCONDUCT AND MISREPRESENTATION I SENT ON FEBRU-
BY 10th 04 A LETTER TO CANCEL ALL ACTS HE DID ON MY BEHALF AND
FIRED HIM (THE LETTER IS BELOW) BUT I WAS SURPRISED TO RECEIVE FROM
HIM AN DECISION WITHOUT THE NAME OF THE PERSON WHO SIGNED IT.
THE ANOTHER DECISION HE HAS SENT TO MY CHURCH REPRESENTATIVE
WITH A NAME OF THE PERSON WHO SIGNED, AND SAYING THAT MY CASE
WAS DISMISSED AND I HAVE 30 DAYS TO APPEAL. I'M SURPRISED BECAUSE
I NEVER BEEN IN COURT SINCE OCTOBER 1st 2003 AND I NEVER RECEIVED
ANY DECISION SINCE THAT DAY. I DON'T KNOW UPON WHICH DECISION THIS
APPEAL HAS BE DONE. THE RAPIDITY OF THIS DECISION AND HIS PRESENTATION
ARE VERY AMAZED TO BE FROM BIA SINCE THERE ARE INMATES WHO ARE WAIT-
ING TO KNOW IF THE BIA HAS RECEIVED THEIR APPEAL SINCE 3 MONTHS. I
DON'T ALSO KNOW HOW AN EX LAWYER CAN CONTINUE SENDING ^{ME} ~~ANY~~ ~~HOME~~
THING ABOUT ~~YOU~~ MY CASE WHILE I OFFICIALLY FIRED HIM. I PLEASE
THE BOARD WITH ALL DUE RESPECT TO INVESTIGATE ABOUT MY CASE AND
INFORM ME.

THANK YOU
GOD BLESS YOU
SITCHA RICHARD



EXHIBIT # 5

1000 Misty Meadow Lane
So. Windsor Ct. 06074
March 18, 2004

Re: RICHARD SITCHA

A95-461-653

Board of Immigration Appeals
Clerk's Office
P.O. Box 8530
Falls Church, Va 22041

Dear Sirs,

Richard Sitcha has asked me to forward this decision and to ask you to authenticate it. I am a friend of Richard. This is a copy of a copy that I received from his former Attorney. Richard said that the copy that was sent to him had no signature.

He is also surprised that since he had sent notice that he no longer wished Attorney Coll to represent him prior to February 3, 2004 that the decision should have been mailed to him and not to his former Attorney. Perhaps Wonders why is better than should have.

He had been under the impression that such decision usually take a long time, which is another reason why he would like clarification with regard to the enclosed document.

Could you please send your answer and a signed copy of the decision directly to : Richard Sitcha #314760
OCI P.O. Box 100
Somers Ct. 06071

and if you could let me know that it has been done it would be greatly appreciated. my address is Lorena D. Dutelle 1000 Misty Meadow Lane So. Windsor, Ct. 06074

I am sending a copy of this letter to your overnight address also. in case it arrives faster. Richard had asked me to send it First Class .

Sincerely Yours,

Lorena D. Dutelle
Lorena D. Dutelle

2004 MAR 22 PM 1:09

EXHIBIT #6

653

IMMIGRATION COURT
450 MAIN ST., ROOM 507
HARTFORD, CT 06103-3015

In the Matter of

SIRCHA, RICHARD
Respondent

Case No.: A95-461-653

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Sep 18, 2003.

This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

☒ The respondent was ordered removed from the United States to *Cameron* or in the alternative to

☐ Respondent's application for voluntary departure was denied and respondent was ordered removed to alternative ()

☐ Respondent's application for voluntary departure was granted until upon posting a bond in the amount of \$ _____ with an alternate order of removal to

☒ Respondent's application for asylum was () granted (☒) denied () withdrawn.

☒ Respondent's application for withholding of removal was () granted (☒) denied () withdrawn.

☐ Respondent's application for cancellation of removal under section 240A(a) was () granted () denied () withdrawn.

☐ Respondent's application for cancellation of removal was () granted under section 240A(b)(1) () granted under section 240A(b)(2) () denied () withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

☐ Respondent's application for a waiver under section _____ of the INA was () granted () denied () withdrawn or () other.

☐ Respondent's application for adjustment of status under section _____ of the INA was () granted () denied () withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.

☐ Respondent's status was rescinded under section 246.

☐ Respondent is admitted to the United States as a _____ until _____.

☐ As a condition of admission, respondent is to post a \$ _____ bond.

☐ Respondent knowingly filed a frivolous asylum application after proper notice.

☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.

☐ Proceedings were terminated.

☒ Other: *AT withholding was denied*

Date: Sep 18, 2003

Appeal: Waived/Reserved Appeal Due By: _____

MICHAEL D. STRAUS
Immigration Judge

By respondent Oct. 20, 2003

ALIEN NUMBER: 95-461-653

ALIEN NAME/STATUS: RICHARD

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

TO: ☐ ALIEN ☐ ALIEN c/o Custodial Officer ☒ ALIEN's ATT/REP ☒ INS

DATE: 9/18/03 BY: COURT STAFF

Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

96

(signature)

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
Hartford, Connecticut

File A 95 461 653

September 18, 2003

In the Matter of

RICHARD SITCHA,) IN REMOVAL PROCEEDINGS
)
Respondent)

CHARGES: Section 237(a)(1)(B) of the Immigration and
Nationality Act - non-immigrant overstay.

APPLICATIONS: Asylum; withholding of removal; withholding of
removal under the Torture Convention.

ON BEHALF OF RESPONDENT:	ON BEHALF OF DHS:
Anthony Collins, Esquire	Leigh Mapplebeck, Esquire
664 Farmington Avenue	Assistant District Counsel
Hartford, Connecticut 06105	Hartford, Connecticut

ORAL DECISION OF THE IMMIGRATION JUDGE

Introduction

The respondent had an asylum hearing with this Immigration Court. On January 16, 2003, this Immigration Judge granted the respondent's application for asylum. The Department of Homeland Security filed a motion to reopen based on a counselor investigation done in Cameroon. This Immigration Judge, based on the information, reopened the case on March 13, 2003. The matter was set down for an individual hearing today.

Statement of the Facts